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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JENICE NICHOLAS,

Defendant.

CASE NO. 2:21-MJ-103-CKD

STIPULATION FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(D) AND EXCLUSION OF TIME AND
FINDINGS AND ORDER

DATE: August 27, 2021
TIME: 2:00 p.m.
COURT: Hon. Carolyn K. Delaney

Plaintiff United States of America, by and through its attorney of record, Special Assistant U.S. Attorney ROBERT J. ARTUZ, and Defendant JENICE NICHOLAS, both individually and by and through her counsel of record, JENNIFER J. WIRSCHING, hereby stipulate as follows:

1. The Complaint in this case was filed on June 25, 2021, charging Nicholas with one count of conspiracy to commit offenses against the United States, in violation of 18 U.S.C. § 371. Nicholas first appeared before a judicial officer of the Southern District of Florida on or about June 30, 2021, and was released on bond. She made her first appearance and was arraigned in this district on July 29, 2021. A preliminary hearing is currently scheduled on August 27, 2021.

By this stipulation, the parties jointly move pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure to continue the preliminary hearing to October 8, 2021, at 2:00 p.m., via videoconference, before the duty magistrate judge. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's collection and production of

discovery and continuing investigation of the case. For example, the government has already produced 280 pages of Bates-stamped discovery and other native files, including law enforcement reports, Social Security Administration records, bank records, and photographs. The government is also planning to produce this month over 1,000 pages of similar documents. The government also anticipates producing multiple gigabytes of documents from multiple data extractions of the defendant and her co-defendant's electronic devices, which will be available to defense counsel for inspection. Defense counsel needs time to review and consider all the evidence and to conduct further investigation. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases. Therefore, the parties request that the time between August 27, 2021, and October 8, 2021, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

IT IS SO STIPULATED.

Dated: August 19, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ ROBERT J. ARTUZ
ROBERT J. ARTUZ
Special Assistant U.S. Attorney

Dated: August 19, 2021

/s/ JENNIFER F. WIRSCHING
JENNIFER J. WIRSCHING
Counsel for Defendant
JENICE NICHOLAS

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v.

JENICE NICHOLAS,

Defendant.

CASE NO. 2:21-MJ-103-CKD

FINDINGS AND ORDER EXTENDING TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUDING TIME

DATE: August 27, 2021
TIME: 2:00 p.m.
COURT: Hon. Jeremy D. Peterson

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on August 19, 2021.

The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The date of the preliminary hearing is continued to October 8, 2021, at 2:00 p.m. before


1 Magistrate Judge Peterson.

2 2. The time between August 27, 2021, and October 8, 2021, shall be excluded from
3 calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

4 3. Defendants shall appear at that dates and times before the Magistrate Judge on duty,
5 Judge Peterson.

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7 IT IS SO ORDERED.

8 DATED: AUGUST 20, 2021

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE
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